

STATUTORY REFERENCES

23 U.S.C. 202, 203 & 204; SAFETEA-LU, Sections 1101(a)(9)(D) and 1119(m)

Period of Availability

In accordance with 23 U.S.C. 118, FH funds shall remain available for obligation for three years after the last day of the fiscal year in which the funds are authorized.

Federal Share

In accordance with 23 U.S.C. 204(b), the Federal share of the costs for any project eligible under this program is 100 percent.

Obligation Limitation

The FH funds are subject to obligation limitation; however, 100 percent obligation authority is provided with the allocation of funds for the selected projects. The obligation limitation reduces the available funding for the program under the provisions of SAFETEA-LU Section 1102(f).

Eligibility

Under the provisions of 23 U.S.C. 202(b)(2)(A), the funds shall be allocated in accordance with [section 134 of the Federal-Aid Highway Act of 1987](#) (23 U.S.C. 202 note; 101 Stat. 173). Furthermore, the Secretary shall give equal consideration to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through -

- i. renewable resource and land use planning; and
- ii. Assessments of the impact of that planning on transportation facilities.

In accordance with 23 U.S.C. 204(b)(5), the FH funds are available for "any kind of transportation project eligible for assistance under Title 23, United States Code, that is within, adjacent to, or provides access to" National Forest System lands. Under the provisions of 23 U.S.C. 204(b)(1)(A), the FH funds are available for transportation planning, research, engineering, and construction of FHs. Under the provisions of 23 U.S.C. 204(b)(1)(B), the FH funds are also available for operation and maintenance of transit facilities located on FHs.

Under 23 U.S.C. 204(h), eligible projects under the FH program may also include the following:

- Transportation planning for tourism and recreational travel, including the National Forest Scenic Byways Program, Bureau of Land Management Back Country Byways Program, National Trail System Program, and other similar Federal programs that benefit recreational development.
- Adjacent vehicular parking areas.
- Interpretive signage.
- Acquisition of necessary scenic easements and scenic or historic sites.

- Provision for pedestrians and bicycles.
- Construction and reconstruction of roadside rest areas, including sanitary and water facilities.
- Other appropriate public road facilities such as visitor centers as determined by the Secretary.
- A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.

Program Administration

In each state, the FH Program is jointly administered by the FS, the FHWA, and the respective state transportation agency in that state. A memorandum of agreement defines the roles and responsibilities of each partner. FH projects are selected and developed under tri-agency partnerships. There are 41 partnerships involving the U.S. Forest Service regions, FHWA Federal Lands Highway Divisions and the 41 State members of the American Association of State Highway and Transportation Officials.

The FHWA Federal Lands Highway Divisions undertake about 80 percent of the design and construction projects, and perform the corresponding oversight. They also conduct the inventory and condition assessment for most Forest Highways. The FS and the state transportation agencies administer the remaining 20 percent of the projects.

Program Funding

FH funds are allocated by state areas using a hybrid legislative/administrative formula. The administrative portion of the formula is contained in the [Non-Regulatory Supplement to 23 CFR 660](#). The legislative portion of the formula is contained in [Section 134 of the Federal-aid Highway Act of 1987](#) (Public Law 100-17).

Program Procedures

Procedures for the FH Program are contained in [23 Code of Federal Regulation 660 Subpart A](#)